Mr. A. V. RAMANATHAN.—A committee has been appointed to investigate into the matter and submit its report.

Mr. K. T. BHASHYAM AIYANGAR.—What is the estimated cost of the scheme?

Mr. A. V. RAMANATHAN.—We will know it only after the committee's report is received.

Mr. K. T. BHASHYAM AIYANGAR.—Will the Government sanction the proposal of the Bangalore City Municipality to instal a transmitting set?

Mr. A. V. RAMANATHAN.—We have asked the municipality for certain information which is awaited.

Mr. K. T. BHASHYAM AIYANGAR.—In Mysore there is already a station and Bangalore City wants to have one. Instead of having small stations in more than one place, would it not be better to have one central station for the entire State with receivers in a large number of places?

Mr. A. V. RAMANATHAN.—The suggestion will be considered after the committee's report is received.

Mr. K. T. BHASHYAM AIYANGAR.—Will you urge the committee to expedite their report?

Mr. A. V. RAMANATHAN.—Yes.

Mr. C. N. NARASINGA RAO.—When was the committee constituted?

Mr. A. V. RAMANATHAN.—More than a year ago, but the President is on leave and so there has been some delay.

Mr. C. N. NARASINGA RAO.—Are the Government earnest about the scheme?

Mr. A. V. RAMANATHAN.—Certainly.

Mr. T. MARIAPPA.—Are there any Radio specialists in the State?

Mr. A. V. RAMANATHAN.—I cannot answer the question.

Mr. T. MARIAPPA.—Will the Government depute any one for undergoing training abroad in this branch of science?

Mr. A. V. RAMANATHAN.—The question may have to be considered in course of time.

GOVERNMENT BUSINESS—BILLS.

I. General Principles of the Bill further to amend the Mysore Agriculturists' Relief Regulation.

The CHIEF SECRETARY to GOVERNMENT (Mr. A. V. Ramanathan) explained the general principles of the Bill as follows:—

From the special report received from the High Court on the working of the Agriculturists' Relief Regulation, it is seen that, in a large number of cases, the claim for the benefit of the Regulation was rejected, indicating that vexatious applications are often put in either to protract suits or in the hope of getting the benefit of provisions not intended for such applicants. Under the Regulation, at present, a party to a suit can raise the question of status of an agriculturist for claiming the benefit of the Regulation, at any stage of the suit. Such a provision might have been appropriate when the Regulation was first introduced and affected pending suits. In fairness to the plaintiff and to the courts it is desirable that in all future suits (instituted after a date to be fixed) the defendant should be required to state his claim for the benefit of the Regulation at the earliest possible moment.

The Agriculturists' Relief Regulation is proposed to be amended accordingly.

Mr. K. T. BHASHYAM AIYANGAR, in opposing the measure, said that the raiyats in the State were not in a position to pay their dues in time and as a consequence thereof, the moneylenders were proceeding against the landed properties of their debtors for the recovery of the dues. It was with the object of helping the raiyats in such a plight that the Agriculturists' Relief Regulation was brought into force. The amendment before the House was to the effect that the agriculturist-defendant should be required to raise the question of his status at the very outset. But the defendant, being illiterate, often did not know that there was a law which would give him relief. He did not know even the effect of his not securing and producing

receipts for the moneys which he might have actually repaid by the time a decree was passed by the court. Much less would he know the particular stage at which he should raise the question of his status. He might know it only at the stage of execution of the preliminary decree. For this reason, it would be desirable to provide that up to the stage of the final decree, the agriculturist-debtor might raise the question of his status and let in evidence in that behalf.

It was stated that this amendment was found necessary for the speedy disposal of cases. There could be no two opinions about the need for speedy disposal, but that should not be secured by sacrificing the interest of the raiyats. Under the Agriculturists' Relief Regulation, the raiyats enjoyed a particular privilege and it would not be right to take away that privilege for the mere reason that a particular issue was not raised at what somebody might consider to be the earliest possible moment. After all, the time required to make enquiries as to whether the defendant was an agriculturist or not would be the same whether the claim was preferred at the commencement of the suit or at a later stage. So, it would not be correct, the speaker thought, to attribute the delay in the disposal of cases to debtors applying for the benefit of the Regulation at a late stage. Apart from that, merely because a raiyat failed to prefer his claim at the commencement of the suit, would he cease to be a raiyat? Of course, it would be convenient if all agriculturist-debtors raised the question of status at the very commencement. In this view, instead of denying them the privilege of stating their case at a later stage, Government might leave it to the court to decide to what extent the benefit of the Regulation might be reduced by way of punishment for not raising the issue at the outset. The aim of the Regulation was to help the raiyats as much as possible and it would not be right to create handicaps for them. The amendment before the House was a retrograde measure and for that reason, he opposed it.

Mr. T. MADIAH GOWDA said that the Regulation had not been in force for very many years and yet it had already been amended once. Even as it was, the amended Regulation was not securing for the raiyats half the relief which raiyats in the Bombay Presidency were getting under the law in force there. As a result of the amendment before the House, even the little relief that the raiyats were till now getting would be denied to them and the law would exist only in name. Owing to the illiteracy of the raiyats, they were not in a position to know whether to receive a summons or not and the process-serving staff would often record that the summons could not be served on a party owing to his absence, refusal to receive the summons, etc., and an *ex parte* decree would be passed without giving the party a chance to state his case. If such a thing happened, he would be doomed for ever. As the previous speaker said, it would not take a very long time to decide whether a party was an agriculturist or not. As a matter of fact, the courts were giving short adjournments for the sake of enabling parties to produce evidence to prove that they were agriculturists. Much time was not being wasted on this account. As things stood, the process staff was not always honest; the raiyats were illiterate and it would not be safe to amend the law as proposed. For these reasons, he also opposed the measure.

Mr. H. R. GURUVA REDDY, in supporting the views, expressed by the previous speakers, said that as the law had been introduced only recently, there might have been some delay, as the High Court had pointed out, in finding out whether a person was an agriculturist or not as a result of the concerned party not stating his claim at the earliest possible moment. But of late, the courts administering the law were not finding much difficulty in disposing of the cases quickly. Within the course of another two or three years, it might be hoped that cases would be disposed of still more quickly. So there was no need for the proposed amendment.

Secondly, to find out whether a per-

son was an agriculturist or not, no elaborate enquiry was needed, and it was immaterial at what stage the question of status was raised. For this reason also, he did not think that there was any need for the amendment. If however it was considered necessary to decide the question at the outset, the courts might as well ask the defendant whether he was an agriculturist and if so to prove it, just as they would themselves raise certain questions about the genuineness of the plaintiff's claim, the willingness of the defendant to meet the same or to apply for insolvency, etc., in cases, for example, of suits for recovery of debts. If such a duty was imposed on the courts, then it might be laid down that an agriculturist-debtor could not raise the question of status at a later stage.

Mr. B. SRINIVASA RAO also opposed the measure for similar reasons.

Mr. M. SUBBAIYA said that almost all the raiyats were aware of the existence of the law giving them relief and such of those as were anxious to repay their debts would never think of contesting the creditor's claims in law courts at all. It was only those who wanted to evade payment that did so and gained time by raising fresh issues at all possible stages. It was desirable to prevent such a state of affairs and for this reason he supported the amendment.

Mr. C. N. NARASINGA RAO started by agreeing that cases filed in small cause courts would have to be referred to munsiffs' courts to decide questions of status and the disposal of cases, no doubt, would be delayed to that extent. But he thought that the remedy proposed in the amendment would not be the best. He would much rather adopt the procedure suggested by Mr. Guruva Reddy, *viz.*, empowering the courts themselves to raise the question of status and decide whether a person was an agriculturist or not. He thought that circular instructions should be issued in this behalf to all the courts concerned. If this was done, there would be no need for the proposed amendment. For this reason, he opposed the amendment.

Mr. M. A. GOPALASWAMI IYENGAR did not believe that the proposed amendment would result in great hardship to the raiyats. The question whether a party was an agriculturist or not, he said, should be decided at the earliest stage. If the party were to raise the question of status and ask for special relief when the final decree was about to be passed, the whole process of law would have to be gone through once again, and that would mean unnecessary delay in the final disposal of the case. With a view to avoid such delays, he thought that it was necessary to insist on the party raising the question of his status at the very outset. He therefore supported the amendment.

Mr. H. K. MADIAH, in opposing the amendment, said that the raiyats could not take advantage of the existing law owing to their ignorance. Under such circumstances, insistence on the raiyats that they should raise the question of status only at a particular stage would cause a great deal of hardship to them. Besides, the law had been in force only for a few years and it was too early to think of material alterations. If at all, such amendments could be thought of some years hence.

Mr. T. MARIAPPA said that the order extending the benefit of the Regulation to suits filed prior to January 1934 had contributed to the alleged delay in the disposal of suits and this amendment was proposed in order to avoid the delay. But if the amendment was passed, he was afraid that it would nullify one of the main objects of the Regulation, *viz.*, the continuance of the debtor's ownership of the land. The amendment of Section 14 of the Regulation which was passed in 1935 providing for the attachment of any agricultural land belonging to the judgment-debtor was itself an inroad on the privileges extended to the agriculturists and the present proposal to amend Section 4 to the effect that the question of status should be raised at the earliest possible opportunity would worsen the position. With the ignorance of the raiyat, on the one hand, and his inability to engage the services of a lawyer on the other,

this amendment would affect him very much. He knew that the courts were not allowing sufficient time to the defendants to raise all relevant issues at the preliminary stage. He did not believe that much time would be wasted by the judgment-debtor raising the question of status even at a later stage and as such, it did not matter whether it was raised at the beginning or at a subsequent stage.

So far as the creditors went, their interests were already fully secured since they could attach the property and even bring it to sale if the judgment-debtor failed to pay two successive instalments under the decree. So no special safeguards were called for from the creditors' point of view also. In the result, the amendment before the House was uncalled for, and he therefore opposed it.

Dharmapravartha M. L. NAGAPPA SETTY was of opinion that the Bill would be beneficial to the debtors themselves. For one thing it would lessen the cost of litigation by not allowing the suit to drag on. The necessity for a re-trial and letting in evidence once in the small cause court and again in the court of original jurisdiction would be obviated if the question of status was raised and decided in connection with the preliminary inquiry itself. By prolonging the inquiry, not only the creditor but the debtor also would be inconvenienced and ultimately the judgment-debtor might come to be dispossessed of his land; because, the creditors would, in the event of non-payment, insist on unqualified sale of the mortgaged properties instead of being satisfied with merely obtaining renewals of the mortgage deeds. Government had the duty of safeguarding not only the interests of the agriculturists but also those of the creditors. Otherwise for every creditor ruined so, many debtors depending upon his help would suffer. There were complaints everywhere against laws delays. But if needful steps were proposed for avoiding delays, necessary support would not be forthcoming. The speaker could not understand this inconsistency on the part of responsible members of the Assembly. Personally he felt that the House should accept the proposed amendment.

In opposing the Bill, **Mr. Belur SRINIVASIENGAR** said that according to the provisions of the Civil Procedure Code, evidence might be let in not only at the preliminary stage but at subsequent stages also, so that the proposed amendment would be inconsistent with the spirit of the other Regulation. Supposing that there was an *ex parte* decree against an agriculturist and that he put in an application for re-trial on the ground that summons had not been served on him, the speaker asked whether the judgment-debtor could or could not plead, at that stage, that he was an agriculturist and whether it would be right, in such cases, to leave the interpretation of the term "at the earliest possible opportunity" in the hands of a subordinate judicial officer. With regard to the privileges bestowed by the legislature by means of a substantive law on an entire class of people, the speaker was of opinion that subordinate judicial officers ought not to deny to those people the benefit of those privileges. Such denial was nowhere heard of.

Secondly, a privilege having been created in favour of a party, how could he be denied that privilege simply because of some delay on his part in claiming it? Any provision in favour of such denial would be opposed to all canons of justice.

The interpretation of the term "at the earliest possible opportunity" was sure to give rise to much controversy since it was not defined in the Bill itself. He would not subscribe to the view that the delay in the disposal of money suits was due to delay on the part of agriculturist-debtors in raising the question of status in proper time. There would have been some justification for the amendment if at least the creditors themselves had held meetings and passed resolutions or made representations to the Government that suits were delayed on account of the want of a provision like the one before the House.

Mr. M. L. NAGAPPA SETTY replied

that representations to that effect had been made.

Mr. Belur SRINIVASIENGAR, however, was not prepared to believe that it was so. He said that he was not in a position to understand the full implications of the measure since the members had not been furnished with copies of the proposed amendment.

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari) said that the amended provision was very brief and would read as follows :—

" New Section (I—A)—Notwithstanding anything to the contrary contained in this Regulation, the question as to the status of a party as an agriculturist, in suits filed after ..... shall be raised at the earliest possible opportunity."

He also pointed out that even in the Civil Procedure Code the term " at the earliest possible opportunity " had been used under several sections though it had not been defined anywhere, so that that expression was very well understood by one and all. Such being the case, he did not see how any difficulty would arise in the interpretation of that term when employed in another Regulation. The object of the amendment was quite simple—that the question of status should be raised at the first possible opportunity. A similar provision was found in the Civil Procedure Code, as for instance in respect of jurisdiction. The speaker further explained that provision on the lines of the amendment under discussion should have been included in the original Bill itself; but at that time, it was felt that the position was clear enough and that it was not necessary to make a specific provision. But subsequently it was found from experience that that point should be incorporated in the Regulation specifically and so it was that the High Court had recommended this amendment. He further added that if members thought that the wording of the amendment should be examined in detail, Government would be quite prepared to accept the suggestion.

Mr. Belur SRINIVASIENGAR, however, thought that in the Civil Procedure Code, the provision containing the words " at the earliest possible opportunity " related only to the question of filing documents to be relied on in the case and had nothing to do with the question of status. In conclusion, he observed that nothing should be done to whittle down the privileges extended for very good reasons to the hard-hit agriculturists in the State, and he therefore prayed that the amendment be taken back.

At this stage, the Assembly rose for lunch and met again at 3-35 p.m.

Mr. C. CHELUVAIYA pointed out that under the existing law there was every scope for the agriculturist to represent at the early stage of a suit that he, as an agriculturist, must be given the benefit of the Agriculturists' Relief Regulation. But the difficulty was that in small cause cases, the defendants raised the question of status at later stages and thus delayed the proceedings. Very often, the applications made in this respect were vexatious or frivolous. It was to avoid such petitions and to avoid delays that the High Court had recommended the amendment. He was sure that the amendment, if passed, would not adversely affect judgment-debtors or decree-holders. He could not understand how anybody could characterise the amendment as a means of whittling down anybody's rights or privileges. Nor could he understand why a defendant, if he was really an agriculturist, should not raise the question of his status at the very first opportunity.

Referring to cases wherein decrees were alleged to be obtained fraudulently without serving summonses, etc., there was provision in the law for the judgment-debtors to put in petitions and get the decrees set aside. This was no reason why defendants should be permitted to raise the question of status at any stage they pleased. If they succeeded in getting the decrees set aside, they would then put in written statements and take opportunity in that connection to raise the question of status. That naturally would be accepted by the courts as the earliest possible opportunity.

In the absence of the proposed amendment, the speaker said, the disposal of small cause cases would be needlessly delayed. This, the member thought, should not be allowed any longer and he therefore supported the amendment. He was not prepared to believe the contention that agriculturists were still ignorant of the provisions of the Agriculturists' Relief Regulation which was passed so long ago as 1928 and which was of such vital interest to themselves.

Mr. B. L. BYANNA thought that those who opposed the Bill seemed to be viewing the question only from the debtors' point of view with little regard for the interests of creditors. He did not know why they were so hard on creditors. But he was glad that the Government, in proposing the amendment in question, had rightly shown the same sympathy for both creditors and debtors.

In the case of *ex parte* decrees obtained fraudulently, he explained that the Regulation provided ample scope to the aggrieved party to get the decree set aside and then contest as if the case were fresh. He was not prepared to give credence to the plea of ignorance advanced on behalf of the raiyats as most of them were sure to engage lawyers to defend them.

Proceeding, he said that the amendment was necessary in the interests of the agriculturists themselves. On account of the Agriculturists' Relief Regulation agriculturists were not able to raise loans as easily as they were doing formerly, because creditors were not sure of timely repayment. If the amendment was passed, creditors would get fresh hopes and the borrowers were sure to benefit thereby.

For all these reasons, he commended the proposed amendment to the House.

Mr. MIR MAHOMED SAHIB opposed the Bill on the ground that it aimed at curtailing the privileges specially vouchsafed to the raiyats by His Highness the Maharaja. As matters stood, the money-lenders were obtaining *ex parte* decrees in most cases because, the raiyats could not engage lawyers to contest the suits. Such being the case, he said that every possible latitude should be shown to the agriculturists so that decree-holders might not proceed against the immovable properties of the judgment-debtors and ruin them.

Mr. B. S. PUTTASWAMY pointed out that the amending Bill would not take away the privileges which the Agriculturists' Relief Regulation bestowed on the raiyats. No doubt, at present the agriculturist-debtors could, at any stage of the suit, raise the question of status. But he did not believe that any serious inconvenience would be caused by laying down that such a claim should be preferred at the earliest possible opportunity. Otherwise he would ask who would be responsible for the extra cost involved, so far as the creditor was concerned, in a *de novo* trial. At the same time, he was aware of instances where *ex parte* decrees were obtained even though summonses were not served on the defendant at all. In such cases particularly, he would suggest a provision to the effect that the question of status might be raised at the stage of execution of the preliminary decree.

Mr. K. SREEKANTAIAH pointed out that after the passing of the Agriculturists' Relief Regulation, money-lenders had ceased lending moneys to agriculturists. These latter could be saved from their plight only by creating confidence on the part of the money-lenders that their money was safe. Such a thing would be done by the amendment before the House. By insisting upon the defendant to raise the question of status at the earliest stage, the case would be disposed of early. If this was not done, the defendants might take undue advantage of the position and prolong the suit indefinitely and cause needless worry and loss to the creditor. The amendment would obviate such a state of affairs and the speaker therefore supported the Bill.

Mr. M. S. PUTTARAMA SETTY differed from the view that the amendment would go to improve the creditworthiness of the agriculturist. Even if that was so, he would, for that very

reason, oppose the amendment. For, he said, agriculturists were raising loans far beyond their repaying capacity and it was time, in his opinion, that they were prevented from doing so. Secondly, under the existing Regulation there was scope for the judgment-debtor to get the decree set aside by raising the question of status even subsequent to the decree but that privilege would be denied to him under the Bill. Members of the Assembly ought not to support such measures and should therefore oppose the amendment. Thirdly, the time was not propitious for stiffening any law affecting agriculturists. For all these reasons, he requested the Government to withdraw the Bill.

Mr. Tudki RAMANNA GOWDA opposed the amendment on the ground that even at present agriculturists had lots of difficulty in raising loans and that if fresh restrictions were imposed, their difficulties would be further aggravated.

Mr. L. VEMA REDDY did not agree that subordinate judicial officers could not, in their discretion, take away rights given by a substantive law. Besides, there was no question, in connection with the amendment before the House, of any right being taken away, as it merely sought to specify the particular stage at which a certain claim should be preferred. He did not see any difficulty in the way of the debtor raising the question of status at the time of filing his written statement or objection petition. For this reason, he supported the amendment. But so far as *ex parte* decrees went, he thought it would be reasonable to allow a judgment-debtor to raise the question of status at the time of execution of the preliminary decree.

Mr. S. P. RAJAGOPALACHARI, replying on behalf of the Government, observed that he had only to repeat what had been said already by him. There appeared to be an apprehension among the members opposing that the amendment would create difficulties for the raiyats and frustrate the very object of the Regulation, namely, affording relief to the agriculturists. But there was no reason for such an apprehension. In fact, other members who had supported the measure had themselves explained how it would not affect the raiyats adversely. Positively, there were three reasons why the measure should be accepted. First, according to Section 21 of the Civil Procedure Code, the question of jurisdiction would have to be settled in the beginning itself by all civil courts. On the same analogy, the question of status also could well be raised at the earliest possible opportunity as a preliminary issue. It was only after this that necessary evidence would have to be let in and the case proceeded with on merits. This was the idea of the Government even when they drafted the Regulation. They never thought that the wording of Section 2 (*c*) gave scope for the interpretation that the question of status could be raised at any stage of the suit. But because in actual practice the question was being raised at all stages, it was considered necessary to prevent it in future and avoid delays. This was why the High Court had recommended to the Government that the amendment proposed was necessary.

Secondly, the Civil Procedure Code was common to all civil disputes, including cases falling under the Agriculturists' Relief Regulation. Under that Regulation, the written statement to be filed by a defendant should be filed at the earliest possible stage and contain the defendant's case in full. If that were so, he did not know how the particular issue regarding status could be raised at a later stage. He hoped that nobody would urge that cases falling under the Agriculturists' Relief Regulation should alone be made an exception to the Civil Procedure Code. No doubt written statements once filed were not to be considered as unalterable documents. They could be amended subsequently. But this, again, would be permitted only with reference to circumstances arising subsequent to the filing of the written statements. Status could not be characterised as a circumstance arising subsequent to the filing of a written

statement, and therefore the question of status was one which must be decided at the first hearing itself. In exceptional circumstances the court might allow the question of status to be raised subsequently; but it should not be permitted as a matter of course to be raised at any stage of a suit.

Thirdly, as regards the objection advanced by Mr. Belur Srinivasiengar to the measure that the term "at the earliest possible opportunity" had not been defined in the Regulation and so the exact stage at which the question of status could be raised was not clear; his only reply was that the meaning of the term was so well known and understood that it had been employed in most Regulations without being specially defined anywhere, such as for instance, in Section 21 of the Civil Procedure Code, Order II, Rule 7 etc. The Civil Procedure Code was in existence for several decades past and nobody had felt the need for a clear definition of the term "at the earliest possible opportunity." Whatever meaning had been attached to that term by all lawyers, courts and the public, might well be attached to it in future also.

Mr. Puttaswamy had raised a point that the amendment proposed would create new difficulties if *ex parte* decrees were executed without giving opportunity for the judgment-debtors to raise the question of status. There did not seem to be any grounds for even this apprehension. Even under the existing provisions, the question of status could not be raised or re-opened after the final decree was passed.

Mr. B. S. PUTTASWAMY, in further explaining his point, observed that if an *ex parte* decree was passed and execution proceedings instituted, the defendant could, according to the existing provisions of the Regulation, raise the question of status and get the decree set aside. That privilege was sought to be taken away by the proposed amendment even in the case of execution of *ex parte* decrees. He wanted that only in such cases, as exceptions, opportunity should be afforded for the judgment-debtors to raise the question of status at the stage of execution of the preliminary decrees.

Mr. S. P. RAJAGOPALACHARI pointed out that it was not always that *ex parte* decrees were passed and executed. And even where such decrees were passed, the defendant would naturally file an application that summonses had not been served on him, etc., and get the decree set aside on that score alone. So there was no need to make an exception with regard to the stage at which the question of status could be raised. However, the main difficulty at present was that the section was so broadly worded that there was considerable delay in the disposal of cases and so it was necessary to amend the Regulation. Quick disposal would mean less expense to the litigant public who would suffer much by cases being dragged on. For all these reasons he hoped that the House would accept the measure.

The general principles of the Bill were thereupon put to vote and carried, 86 voting for and 61 against.

II. General Principles of the Maternity Benefit Bill.

The SECRETARY to GOVERNMENT, DEVELOPMENT DEPARTMENT (Mr. M. Venkatanaranappa) explained the general principles of the Bill as follows :—

There is at present no law in Mysore regulating the employment of women in factories during the period of advanced pregnancy and confinement and providing for the payment of maternity benefit to them. The Royal Commission on Labour in India recommended that legislation should be enacted throughout India on the lines of the schemes operating in Bombay and the Central Provinces.

Government consider that it is a very desirable piece of legislation and propose to introduce a measure on the lines of the Bombay Act, VII of 1929.

The Bill will provide for the payment of maternity benefit for a maximum period of eight weeks at the rate of the woman's average daily earnings calculated on the total wages earned during

a period of three months preceding or at the rate of eight annas a day, whichever is less.

The woman claiming the benefit should have been employed in the factory for a period of not less than nine months preceding. Women claiming the benefit will also be prohibited from being employed or from working in any factory during the period.

Mr. V. V. IYER expressed gratitude to the Government for having introduced the Bill and requested that it be made applicable to women workers attached to municipalities also.

Mr. K. T. BHASHYAM AIYANGAR requested that its application be extended to women workers in all Government departments and local fund establishments.

Messrs. W. H. HANUMANTHAPPA, CHELUVIAH, L. VEMA REDDY, C. R. NIRVANAPPA SETTY and **Rao Saheb M. RAMASWAMY** supported the measure.

Mr. C. N. NARASINGA RAO, supporting the measure, suggested the following :—

(1) The provision for payment of maternity benefit must be modified so as to give them a minimum wage of 8 annas per day as provided for in the Madras Act, the words "whichever is less" being omitted and the rest of the sentence being suitably altered.

(2) In the Madras Act, there was provision to the effect that no notice of dismissal given without sufficient cause within three months before confinement would have the effect of depriving her of maternity benefit. It was a healthy provision, the object being to prevent employers creating an excuse for dismissing a worker after coming to know that the benefit of maternity would have to be given to her. A similar provision, he said, might be inserted in the Bill under consideration. Otherwise, he feared, the very object of the Bill might be frustrated.

Dharmapravartha M. L. NAGAPPA SETTY hoped that the measure would not be made applicable to women labourers employed on daily wages in coffee and other estates. Subject to this modification he said he had no objection to the measure.

Mr. JATHARE NAIK also supported the measure.

The general principles of the Bill were then put to vote and passed.

III. General Principles of the Bill further to amend the Mysore Registration Regulation, 1903.

The GENERAL SECRETARY to GOVERNMENT (Mr. M. Venkatesa Iyengar) explained the general principles of the Bill as follows :—

As there is no provision, at present, in the Registration Regulation for satisfactory disciplinary control by officers of the Registration Department over *Ex officio* Sub-Registrars who are primarily officers of the Revenue Department, it is proposed to amend Section 12 of the Registration Regulation by adding provisions therefor.

2. A provision will be inserted in Section 12 giving power to the Registrar to suspend or fine any Sub-Registrar subordinate to him subject to such restrictions as Government may impose and providing for appeal to the Inspector-General of Registration.

Another clause will be added to the said section providing for the revisional powers of Government in respect of proceedings of the Inspector-General of Registration or of any Registrar under the section.

The general principles of the Bill were put to vote and passed without discussion.

PRIVATE BILL.

IV. General Principles of a Bill to remove all Legal Obstacles to the Marriage of Hindu Widows.

Mr. K. T. BHASHYAM AIYANGAR explained the general principles of the Bill as follows :—

Mysore has not as yet a Regulation corresponding to Act XV of 1856, which legalises the re-marriage of Hindu widows and we are, therefore, certainly behind British India in this

a period of three months preceding or at the rate of eight annas a day, whichever is less.

The woman claiming the benefit should have been employed in the factory for a period of not less than nine months preceding. Women claiming the benefit will also be prohibited from being employed or from working in any factory during the period.

Mr. V. V. IYER expressed gratitude to the Government for having introduced the Bill and requested that it be made applicable to women workers attached to municipalities also.

Mr. K. T. BHASHYAM AIYANGAR requested that its application be extended to women workers in all Government departments and local fund establishments.

Messrs. W. H. HANUMANTHAPPA, CHELUVIAH, L. VEMA REDDY, C. R. NIRVANAPPA SETTY and **Rao Saheb M. RAMASWAMY** supported the measure.

Mr. C. N. NARASINGA RAO, supporting the measure, suggested the following :—

(1) The provision for payment of maternity benefit must be modified so as to give them a minimum wage of 8 annas per day as provided for in the Madras Act, the words "whichever is less" being omitted and the rest of the sentence being suitably altered.

(2) In the Madras Act, there was provision to the effect that no notice of dismissal given without sufficient cause within three months before confinement would have the effect of depriving her of maternity benefit. It was a healthy provision, the object being to prevent employers creating an excuse for dismissing a worker after coming to know that the benefit of maternity would have to be given to her. A similar provision, he said, might be inserted in the Bill under consideration. Otherwise, he feared, the very object of the Bill might be frustrated.

Dharmapravartha M. L. NAGAPPA SETTY hoped that the measure would not be made applicable to women labourers employed on daily wages in coffee and other estates. Subject to this modification he said he had no objection to the measure.

Mr. JATHARE NAIK also supported the measure.

The general principles of the Bill were then put to vote and passed.

III. General Principles of the Bill further to amend the Mysore Registration Regulation, 1903.

The GENERAL SECRETARY to GOVERNMENT (Mr. M. Venkatesa Iyengar) explained the general principles of the Bill as follows :—

As there is no provision, at present, in the Registration Regulation for satisfactory disciplinary control by officers of the Registration Department over *Ex officio* Sub-Registrars who are primarily officers of the Revenue Department, it is proposed to amend Section 12 of the Registration Regulation by adding provisions therefor.

2. A provision will be inserted in Section 12 giving power to the Registrar to suspend or fine any Sub-Registrar subordinate to him subject to such restrictions as Government may impose and providing for appeal to the Inspector-General of Registration.

Another clause will be added to the said section providing for the revisional powers of Government in respect of proceedings of the Inspector-General of Registration or of any Registrar under the section.

The general principles of the Bill were put to vote and passed without discussion.

PRIVATE BILL.

IV. General Principles of a Bill to remove all Legal Obstacles to the Marriage of Hindu Widows.

Mr. K. T. BHASHYAM AIYANGAR explained the general principles of the Bill as follows :—

Mysore has not as yet a Regulation corresponding to Act XV of 1856, which legalises the re-marriage of Hindu widows and we are, therefore, certainly behind British India in this

respect. The British Act of 1856 was the outcome of the efforts of the late Pandit Iswar Chandar Vidyasagar making it applicable to all Hindu widows who may be so minded as to re-marry in spite of the traditional interpretation of the Hindu Law or custom to the contrary.

The Bill is purely a permissive measure and aims at removing legal obstacles to the re-marriages of such Hindu widows as wish to re-marry and at legitimising the children born of such wedlock. It endeavours to meet the growing consciousness of the educated Hindus who believe that the re-marriage of Hindu widows is not opposed to the true interpretation of the precepts of Hindu religion but is also in consonance with the principles of justice and equity. It does not affect the right of a Hindu widow who is allowed to re-marry by the custom of her community.

The rules of Consanguinity and Affinity under the Hindu Law are made applicable to the case of re-marriage and the widow's *gothram* is fixed as that of her father for purposes of her re-marriage. The customary marriage ceremonies generally observed in the case of the first marriage are made applicable to the re-marriages. In the case of a minor widow, the consent of her guardian in marriage is made obligatory except where her first marriage had been consummated.

The right of a widow in the estate of her deceased husband ceases on her marriage and she is divested of all rights inherited from him which then pass on to the next heir of her deceased husband. In the absence of such heir, the re-married widow continues to enjoy them as her absolute estate. The rights acquired by her under gift, deed, or will, from her deceased husband are deemed as her absolute estate unless there is a prohibition to re-marry in the deed or the gift or the will.

A re-married widow continues to be the guardian of her children by the first husband until a civil court appoints another person in her place as guardian at the instance of some interested person.

Mr. M. A. GOPALASWAMI IYENGAR was of the opinion that the qualifying clause in para 4 of the general principles, namely, that the rights acquired by her under gift, deed, or will from her deceased husband would be deemed her absolute estate unless there was a prohibition to re-marry in the deed or the gift or the will, would strike at the very root of Hindu Law, *viz.*, forfeiture of rights on account of re-marriage. Secondly, it had been stated that a re-married widow would continue to be the guardian of her children by the first husband until a civil court appointed another person in her place as guardian. He questioned why it should be obligatory on her part to be the guardian. Even this would be opposed to the Hindu Law. He hoped that these points would be considered carefully. If these objections were removed, he said he would support the measure.

The general principles of the Bill were put to vote and passed.

V. General Principles of the Bill to amend the Mysore Religious and Charitable Institutions Regulation, 1927.

The GENERAL SECRETARY to GOVERNMENT (Mr. M. Venkatesa Iyengar) explained the general principles of the Bill as follows :—

Under Section 25 of the Regulation, the Government may take over possession and management of the properties of any *Mathadhipathi* or other institution of similar nature in certain specified cases, *viz.*, voluntary agreement, minority of *Mathadhipathi* and when there is no *Mathadhipathi* actually appointed, etc. The latter part of the section lays down that such possession shall cease on the termination of the agreement or when the minority terminates, or when a successor is duly appointed. It follows from this, that in cases of minority and vacancy, the management has to be handed over immediately to the successor or to the minor who has become major. There is no provision in the Regulation enabling Government to impose any conditions which may be considered necessary

in the interests of the institution at the time of restoration. It seems desirable in the case of the *Mutts* presided over by young *Mathadhipathis* that some control should be exercised by Government, even after restoration of the properties, so as to safeguard the permanent interests of the *Mutts* themselves and to avoid the necessity of more drastic action later. It is therefore desirable to amend the Regulation providing a clause therein, giving power to Government to impose suitable restrictions while giving back possession in such cases. Government therefore propose that a clause may be added to this section.

The Regulation also contemplates several kinds of acts to be undertaken by Muzrai officers such as management of properties of the *Mutts*, management of properties belonging to other charitable institutions, the conduct of enquiries, etc. It is usual in legislation of this kind to put in a clause giving proper protection to Government officers in the *bona fide* discharge of their duties. Government propose therefore that a new section containing this provision be inserted, after Section 40A, as Section 40B of the said Regulation.

Mr. B. SRINIVASA RAO supported the measure. He said that it was absolutely necessary to insist upon the maintenance of detailed accounts of all the properties and receipts of religious and charitable institutions. He knew of several instances of properties of several *Mutts* given away in charity by previous Heads and it would be well if Government took over possession of such properties and also prevented future alienation. He hoped the House would unanimously accept the measure.

Mr. M. A. GOPALASWAMI IYENGAR observed that the amendment would be opposed to the spirit of the Religious and Charitable Institutions Regulation. No doubt, under Section 25 of the Regulation Government had power to take over the management of any *Mutt* or institution. But then, they would be in the position of trustees because the Heads of *Mutts* were themselves trustees, so that the Government would have no power to impose any fresh conditions at the time of restoration of the properties to the *Mathadhipathis*. If they did so, they would be sacrificing the underlying principles of the Law of Contract. Secondly, Muzrai officers might in the course of their management of the trust properties commit a breach of the trust and ask for protection under the proposed amendment. There was no provision made for a judicial inquiry into the acts done by them and it might not be justifiable in such cases to give them protection. For these reasons he opposed the measure.

Mr. C. N. NARASINGA RAO said that no information had been given as to how many *Mutts* were being mismanaged and as to the necessity or desirability of taking power to impose fresh conditions. Secondly, the nature of the conditions that the Government might impose had not been stated. It was therefore possible that the Government might do what they liked under cover of safeguarding the interests of *Mutts*. Thirdly, the disciples of the respective *Mutts* were concerned with the properties of the *Mutts* and had a right to be consulted before Government took the powers contemplated in the amendment, but no provision had been made for such consultations. For these reasons he opposed the measure.

Replying on behalf of the Government, the **FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari)** observed that there was nothing new in the second point referred to in the statement of general principles, namely, taking power to give protection to Muzrai officers in the *bona fide* discharge of their duties, as almost all enactments contained similar provisions.

Next, with reference to the point raised as to why restrictions should be imposed at the time of restoration of the properties, he said that so long as the desirability of Government taking over management under certain circumstances was not disputed and management was so taken up in any case, it might become necessary to impose conditions in view of past irregularities coming to notice in the course of such management. In the interest of the

Mutts themselves and of the disciples thereof, it might become necessary for the Government to insist on certain conditions at the time of restoration of the properties so that past irregularities, if any, might not repeat. But merely because Government took the power it should not be supposed that they would go on exercising that power in each and every case.

Mr. L. VEMA REDDY said that it was the duty of Government to safeguard the interests of the *Mutts* and protect their properties. In this view he supported the amendment.

The general principles of the Bill were put to vote and passed.

The House then adjourned for the day to meet again at 12 of the clock the following day.

SECOND DAY.

Wednesday, 3rd June 1936.

The House reassembled at 12 of the clock, the Vice-President (*Rajamantrapravina* S. P. Rajagopalachari) in the Chair.

QUESTIONS AND ANSWERS—
(*contd.*).

Sri Tirumale Venkataramanaswamy Temple at Magadi.

Q.—6. **Messrs. H. GANGAPPA** and **M. S. PUTTARAMA SETTY** (Magadi Taluk); **V. VENKATAPPA** and **T. MADIAH GOWDA** (Channapatna Taluk); **Patel VEERE GOWDA** (Dodballapur Taluk); **S. KARIAPPA** and **G. VENKATARAMANA GOWDA** (Kankanhalli Taluk); **R. RANGAIAH** (Channapatna Municipality); **Patel GANGIAH** and **S. T. MALLASETTAPPA** (Nelamangala Taluk); **B. M. MUNISAMAPPA** (Bangalore Taluk); **R. DASAPPA** (Devanhalli Taluk); **S. SHARABHANNA** and **Nilgiri G. SANJEEVAIAH** (Anekal Taluk); **M. SIDDE GOWDA** and **K. T. BHASHYAM AIYANGAR** (Special Interests); **A. M. VENKATASAMIAH** (Closepet Municipality) and **VEERASANJEEVA GOWDA** (Closepet Taluk).—

Will the Government be pleased to state:—

(*a*) whether several petitions have not been received from the public regarding the irregularities committed by the Convener of the Committee of *Dharmadarsis* of Sri Tirumale Venkataramanaswamy temple at Magadi since the constitution of the new Committee;

(*b*) how have the Government disposed of such petitions;

(*c*) have they been disposed of after enquiring from the public and ascertaining the truth thereof;

(*d*) have the Government received a complaint from one of the *Dharmadarsis* that the Convener has not utilised the temple funds in a proper manner?

A.—**The GENERAL SECRETARY to GOVERNMENT (Mr. M. Venkatesa Iyengar).**—

(*a*) Two petitions were received from Mr. Dakshina Murthi, one of the *Dharmadarsis* of the temple.

(*b*) The Sub-Division Officer held an enquiry into the matter and set right the irregularities.

(*c*) Yes.

(*d*) *Vide* answer to question (*a*).

Mr. H. GANGAPPA.—What were the irregularities referred to in answer (*b*)?

Mr. M. VENKATESA IYENGAR.—The chief complaint was that lumpsum amounts were drawn for piecemeal expenditure. Instructions have been given that this should not be done in future but only as much money as is actually necessary drawn.

Mr. H. GANGAPPA.—When did the Sub-Division Officer set right the irregularities?

Mr. M. VENKATESA IYENGAR.—I cannot give the exact date. But a meeting was held, the *Dharmadarsis* were asked to follow the procedure referred to, and that was agreed to by them.

Mr. M. S. PUTTARAMA SETTY.—With reference to the reply of Government that two petitions were received from Mr. Dakshina Murthi, may I ask whether no one else had petitioned?

Mr. M. VENKATESA IYENGAR.—Others might have petitioned but Government are aware of only those two.